

United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

John Doe
 a/k/a Victor D. Rodriguez
 DOB: 4/12/72

CRIMINAL COMPLAINT

CASE NUMBER:

03-M00108-LPC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 24, 2003 in Suffolk County, in the

Massachusetts defendant, (Track Statutory Language of Offense)

with intent to deceive, falsely represented a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him.

in violation of Title 42, United States Code, Section(s) 408(a)(7)(B).

I further state that I am a(n) Social Security Administration Special Agent and that this complaint is based on the following facts:

See Attached Affidavit.

Continued on the attached sheet and made a part hereof:

Yes No
 Signature of Complainant

Sworn to before me and subscribed in my presence,

November 4, 2003 at Boston, Massachusetts
 Date City and State

LAWRENCE P. COHEN, UNITED STATES MAGISTRATE JUDGE
 Name & Title of Judicial Officer

Lawrence P. Cohen
 Signature of Judicial Officer

11-4-03 Warrant issued

AFFIDAVIT

I, John Cremonini, having been duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the United States Social Security Administration, Office of the Inspector General ("OIG"), Office of Investigations ("OI"), Boston, Massachusetts Field Office and have been so employed since January 2002. My duties include conducting investigations involving criminal violations of Title 18 and Title 42 of the United States Code. Prior to my employment with SSA/OIG/OI, I worked for approximately two years as an Inspector with the Immigration and Naturalization Service in Boston, Massachusetts. I am a graduate of the Criminal Investigator Training Program, the Inspector General Investigator Training Program, and the Immigration Officer Basic Training Course taught at the Federal Law Enforcement Training Centers in Glynco, Georgia.

2. The information set forth in this affidavit is based on my personal knowledge, information provided to me by other law enforcement agencies, employees of the Social Security Administration, and my review of relevant Social Security Administration records. This affidavit is not intended to set forth all of the information that I have learned during this investigation, but is made in support of a criminal complaint

charging John Doe, a/k/a Victor D. Rodriguez, DOB 04/12/1972, with violating 42 U.S.C. § 408(a)(7)(B) (misuse of Social Security account number).

3. The Social Security Administration is an agency within the executive branch of the United States Government responsible for administering retirement, disability, survivor, and supplemental security income benefits programs for eligible beneficiaries. The Social Security Administration is also responsible for issuing Social Security numbers and cards for our nation's eligible beneficiaries.

4. The Office of Investigations ("OI") is the law enforcement component within the OIG for the Social Security Administration. The OI conducts and coordinates criminal investigations related to Social Security Administration programs, operations, and its employees. This includes investigations of alleged or suspected fraud involving Social Security Account Numbers ("SS numbers") or Social Security Account Number Cards ("SS cards").

5. On September 24, 2003, a man identifying himself as Victor D. Rodriguez, appeared at the Roslindale, Massachusetts Social Security Administration District Office ("District Office") and requested a duplicate SS card for SS number 583-95-6947. Rodriguez presented a Massachusetts driver's license,

number 583956947, and a birth certificate from Puerto Rico, number 152-84-03407-084328-093286, as proof of identity. Officials at the Roslindale District Office reviewed his signed application and noticed that the DOB he provided--04/12/1972--did not match the DOB in the Social Security Administration database. When officials asked Rodriguez to provide the names of his parents, he was unable to do so. The Roslindale District Office retained the driver's license and the birth certificate and informed Rodriguez that they would have to investigate the application further.

6. The Roslindale District Office researched the Social Security Administration database and discovered that Victor D. Rodriguez, SS number 583-95-6947, had a date of birth of 3/09/82 and is currently living in Puerto Rico and receiving Social Security Administration disability benefits. Officials from the Roslindale District Office contacted the true Victor D. Rodriguez and his father Victor M. Rodriguez ("Rodriguez Sr.") in Bayamon, Puerto Rico. Rodriguez Sr. confirmed that his son's SS number is 583-95-6947 and that he is currently receiving Social Security Administration Disability benefits for mental retardation. On October 1, 2003 the Roslindale District Office received confirmation from the Demographic Registry in Puerto Rico that the birth certificate presented to the Roslindale District Office

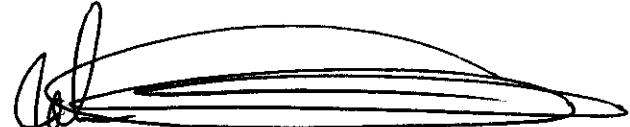
on September 24, 2003 in the name of Victor D. Rodriguez is a counterfeit document. On October 15, 2003 the Roslindale Social Security Administration District Office forwarded the above information, including the counterfeit birth certificate and the Massachusetts driver's license to the Office of Investigation.

7. Upon receipt of the above information, I reviewed the Social Security Administration records and confirmed that the true Victor D. Rodriguez, DOB 03/09/1982, SS number 583-95-6947, is receiving Social Security Administration disability benefits for mental retardation and that he currently resides in Puerto Rico. The application for a duplicate SS card signed on September 24, 2003 at the Roslindale District Office by the individual purporting to be Victor D. Rodriguez, lists 1 Shandon Road, Apartment 321, Dorchester, MA, 02124, as his current residential address. The Massachusetts driver's license presented by that individual lists 31 Salem Street, Apartment 5, Salem, MA, 01970, as his current residential address.

8. I. reviewed various law enforcement databases and discovered that John Doe, a/k/a Victor D. Rodriguez, DOB 04/12/1972, has been convicted twice in the Commonwealth of Massachusetts for possession with intent to distribute a class B controlled substance. I obtained arrest information, including mug shots and probation photographs, pertaining to those

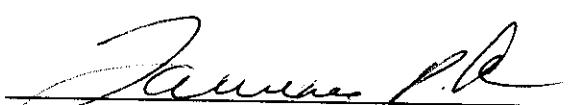
convictions and confirmed that the individual who is the subject of both convictions is the same person who, on September 24, 2003, at the Roslindale District Office, represented himself to be Victor D. Rodriuguez, SS number 583-95-6947.

9. Based on the foregoing, I believe probable cause exists to conclude that on or about September 24, 2003, within the District of Massachusetts, John Doe, a/k/a Victor D. Rodriguez, DOB 04/12/1972, did knowingly with intent to deceive, falsely represent SS number 583-95-6947 to be the SS number assigned by the Commissioner of Social Security to him, when in fact such number is assigned to the true Victor D. Rodriguez, DOB 03/09/1982.



John L. Cremonini, Special Agent
U.S. Social Security Administration
Office of the Inspector General
Office of Investigation

Subscribed and sworn to before me this third day of November 2003.



LAWRENCE P. COHEN
UNITED STATES MAGISTRATE JUDGE

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Category No. II Investigating Agency SOCIAL SECURITYCity Boston**Related Case Information:**County Suffolk

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant X _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name John Doe Juvenile Yes NoAlias Name Victor RodriguezAddress 1 Shandon Road, Apartment 321, Dorchester, MABirth date: 4-12-72 SS#: _____ Sex: M Race: Hispanic Nationality: USA

Defense Counsel if known: _____ Address: _____

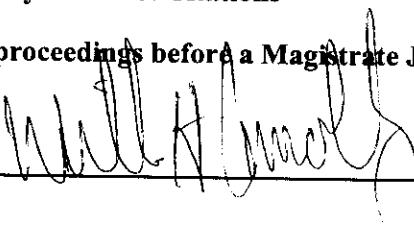
Bar Number: _____

U.S. Attorney Information:AUSA William H. Connolly Bar Number if applicable 634501Interpreter: Yes No List language and/or dialect: _____Matter to be SEALED: Yes No Warrant Requested Regular Process In Custody**Location Status:**

Arrest Date: _____

 Already in Federal Custody as _____ in _____ Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony _____

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 11/4/03 Signature of AUSA: 

~~JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse~~

District Court Case Number (To be filled in by deputy) _____

Name of Defendant John Doe, a/k/a Victor Rodriguez _____

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>42 U.S.C. s. 408(a)(7)(B)</u>	<u>False use of Social Security number</u>	<u>1</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____
ADDITIONAL INFORMATION: _____		
_____	_____	_____
_____	_____	_____
_____	_____	_____

District Court Case Number (To be filled in by deputy) _____

Name of Defendant John Doe, a/k/a Victor Rodriguez

JS 45.wpd - 3/13/02